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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,406

04/19/2004

Allen Affolter

21037.24269

4527

7590

10/04/2005

Timothy D. Smith
Brouse McDowell, LPA
106 S. Main Street, Ste. 500
Akron, OH 44308-1471



EXAMINER

LA, ANH V

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/828,406	ALLEN AFFOLTER ET AL	
	Examiner	Art Unit	
	Anh V. La	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/13/04, 1/13/05</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-9, 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by McTaggart (6,021,306).

Regarding claim 1, McTaggart discloses a method of displaying information in a magazine comprising flexible pages 120 bound together at a binding (figures 1-2A, column 11, lines 10-20), a flexible self-contained information display means including an electronic display membrane 121, 125, a control circuitry 160, a first power cell 162, affixing the membrane to the page (fig. 2A), and automatically displaying at least a first electronic information message on the display membrane.

Regarding claim 2, McTaggart discloses a sensor 127, 129, and sensing the turning of a flexible page adjacent to the membrane (col. 6, lines 15-32).

Regarding claim 3, McTaggart discloses affixing the control circuitry to the binding (fig. 1).

Regarding claim 5, McTaggart discloses electronic information storage means 166.

Regarding claim 6, McTaggart discloses selectively communicating the storage means to the control circuitry (col. 7, lines 20-65).

Regarding claim 7, McTaggart discloses preprogramming the storage means (col. 7, lines 20-65).

Regarding claim 8, McTaggart discloses an electronic data receiving port and programming the storage means via the receiving port (col. 7, lines 20-65).

Regarding claim 9, McTaggart discloses a magazine comprising at least first and second flexible pages 120 bound together at a binding (figures 1-2A, column 11, lines 10-20), a thin electronic display membrane 121, 125 fixedly attached to the first page, an electronic control circuitry 160, a first power cell 162, affixing the membrane to the page (fig. 2A), and a first power cell 162.

Regarding claim 15, McTaggart discloses a method of displaying information comprising a thin self-contained electronic display device 121, 125, preprogramming the display device with at least a first preprogrammed information message (col. 7, lines 20-65), affixing the display device to the at least a first associated page 122, and displaying the information message on the display device (fig. 1).

Regarding claim 16, McTaggart discloses automatically displaying the information message on the display device (fig. 1).

Regarding claim 17, McTaggart discloses selectively removing the display device from the associated pamphlet.

Regarding claim 18, McTaggart discloses a thin self-contained electronic display device 121, 125, a user interface means (fig. 3A, col. 8, line 50- col. 9, line 15), and automatically displaying the information message on the display device responsive to the input from the interface means (fig. 3A, col. 8, line 50- col. 9, line 15).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McTaggart in view of Blotky (6,788,283).

Regarding claim 4, McTaggart discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose affixing the control circuitry to one of the pages. Blotky teaches the step of affixing a control circuitry 30 to one of pages 28 (fig. 2). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the step of affixing the control circuitry to one of the pages to the method of McTaggart as taught by Blotky for the purpose of effectively displaying an electronic information message.

5. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McTaggart in view of Song (6,763,995).

Regarding claim 10, McTaggart discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose electronic information storage means being selectively removable with respect to the control circuitry. Song teaches electronic information storage means 34 being selectively removable with respect to the control circuitry. It would have been obvious at the time the invention was

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made to a person having ordinary skill in the art to include electronic information storage means being selectively removable with respect to the control circuitry to the magazine of McTaggart as taught by Song for the purpose of effectively displaying an electronic information message.

Regarding claim 11, McTaggart discloses user interface means (fig. 3a, col. 8, line 50- col. 9, line 15).

Regarding claim 12, McTaggart discloses sensor means 127, 129 (col. 6, lines 15-32).

Regarding claim 13, McTaggart discloses audio transmitting means 170.

Regarding claim 14, McTaggart discloses a speaker 170.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith, Baer, and Sugimoto teach displaying electronic information systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970.

The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
September 19, 2005

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	2
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Application Number	10/828,406
Filing Date	April 19, 2004
First Named Inventor	Affolter et al.
Art Unit	Unknown 2636
Examiner Name	Unknown A. Lee
Attorney Docket Number	21037.24269

[illegible][illegible]

Examiner Signature	Amh La	Date Considered	9/19/05
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9799) and select option 2.

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Substitute for form 1449A/PTO

(Use as many sheets as necessary)

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9/19/05

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/828,406
Filing Date	April 19, 2004
First Named Inventor	Affolter et al.
Art Unit	Unknown 2636
Examiner Name	Unknown A.La
Attorney Docket Number	21037.24269

U.S. PATENT DOCUMENTS

Examiner Initials ^o	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)			
AL		US-5,532,711	07-02-1996	Harris	
		US-5,761,485	06-02-1998	Munyan	
		US-6,130,773	10-10-2000	Jacobson et al.	
		US-6,396,472	05-28-2002	Jecklin	
		US-6,481,851	11-19-2002	McNelly et al.	
		US-6,490,402	12-03-2002	Om	
		US-6,597,111	07-22-2003	Silvermail et al.	
		US-6,614,057	09-02-2003	Silvermail et al.	
		US-6,624,568	09-23-2003	Silvermail	
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FOREIGN PATENT DOCUMENTS

Examiner Initials ^o	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, lines, Where Relevant Passages or Relevant Figures Appear	T ^o
		Country Code ² -Number ⁴ -Kind Code ³ (If known)				

Examiner Signature	A.La	Date Considered	9/19/05
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¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the right of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Approved for use through 04/30/2003. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	2	of	2
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Complete if Known

Application Number	10/828,406
Filing Date	April 19, 2004
First Named Inventor	Affolter et al.
Art Unit	Unknown 2636
Examiner Name	Unknown Acla
Attorney Docket Number	21037.24269

OTHER DOCUMENTS

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Examiner Signature	Amh la	Date Considered	9/19/05
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Notice of References Cited	Application/Control No. 10/828,406	Applicant(s)/Patent Under Reexamination ALLEN AFFOLTER ET AL	
	Examiner Anh V. La	Art Unit 2636	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,021,306	02-2000	McTaggart, Stephen I.	434/317
	B	US-6,788,283	09-2004	Blotky et al.	345/156
	C	US-6,763,995	07-2004	Song, Jin K.	235/375
	D	US-5,538,430	07-1996	Smith et al.	434/178
	E	US-5,531,600	07-1996	Baer et al.	434/317
	F	US-6,897,850	05-2005	Sugimoto, Koichi	345/169
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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	N					
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	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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